

GEORGE S. CARDONA
 United States Attorney
 THOMAS P. O'BRIEN
 Assistant United States Attorney
 Chief, Criminal Division
 ELIZABETH CARPENTER (SBN: 243460)
 Assistant United States Attorney
 Organized Crime Section
 1200 United States Courthouse
 312 North Spring Street
 Los Angeles, California 90012
 Telephone: (213) 894-0347
 Facsimile: (213) 894-3713
 E-mail: elizabeth.carpenter@usdoj.gov

Attorney for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 06-911-AHM
)	
Plaintiff,)	<u>GOVERNMENT'S POSITION</u>
)	<u>RE: SENTENCING</u>
v.)	
)	
SCOTT ALLEN SPERLING,)	Sentencing Date: August 1, 2007
)	Sentencing Time: 3:00 p.m.
Defendant.)	
)	

Pursuant to Federal Rule of Criminal Procedure 32(f), the government, by and through its attorney of record, the United States Attorney for the Central District of California, hereby files its position regarding the Presentence Report ("PSR") submitted by the United States Probation Office ("USPO") for defendant Scott Allen Sperling ("defendant"). The government is bound by its obligations under the plea agreement in this case to recommend the following Sentencing Guidelines calculation:

Base Offense Level	:	+ 18	[U.S.S.G. § 2G2.2(a)(1)]
Specific Offense Characteristics			
Age of Victim	:	+ 2	[U.S.S.G. § 2G2.2(b)(2)]

1	Sadistic Conduct	:	+ 4	[U.S.S.G. § 2G2.2(b)(4)]
2	Use of a Computer	:	+ 2	[U.S.S.G. § 2G2.2(b)(6)]
3	> 600 Images	:	+ 5	[U.S.S.G. § 2G2.2(b)(7)(D)]
4	Acceptance of			
5	Responsibility	:	-3	[U.S.S.G. § 3E1.1]

6 Adjusted total Offense level : 28

7 The government believes that a sentence within the applicable
 8 Sentencing Guidelines range of 78-97 months is appropriate. To
 9 the extent that they do not conflict with the above calculation,
 10 the government otherwise concurs in the criminal history category
 11 determination and the factual findings of the U.S. Probation
 12 Office ("USPO") in the Presentence Report ("PSR") for defendant.

13 Accordingly, and in accordance with its obligations under
 14 the plea agreement between the parties, the government
 15 respectfully requests that the Court impose a sentence within the
 16 Sentencing Guidelines range corresponding to a total offense
 17 level of 28, criminal history category I, and to impose a \$100
 18 special assessment.

19 Respectfully submitted,

20 GEORGE S. CARDONA
 21 United States Attorney

22 THOMAS P. O'BRIEN
 23 Assistant U.S. Attorney
 24 Chief, Criminal Division

25 Elizabeth Carpenter
 26 ELIZABETH CARPENTER
 27 Assistant United States Attorney

28 Attorneys for Plaintiff
 United States of America

CERTIFICATE OF SERVICE BY MAIL

I, Hortencia Montes, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;


That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in the Certificate was made; that on July 10, 2007, I deposited in the United States mails in the United States Courthouse, 312 North Spring Street, Los Angeles, California, in the above-entitled action, in an envelope bearing the requisite postage, a copy of: **GOVERNMENT'S POSITION RE: SENTENCING**
Addressed to:

Scott Spindel
16255 Ventura Blvd, Suite 1018
Encino, California 91436

at **his** last known address, at which place there is a delivery service by United States mail.

This Certificate is executed on July 10, 2007, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.



Hortencia Montes